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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001277

SIPDIS

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SUBJECT: INDONESIA'S PARLIAMENT -- COURT RULING SPARKS  
CONFUSION

REF: JAKARTA 1240 AND PREVIOUS

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: A recent Indonesian Supreme Court ruling dealing with the arcane process of parliamentary seat allocation has stirred controversy. The ruling, if implemented, would dramatically shift the balance of power in the new Parliament toward the biggest parties, including President Yudhoyono's Partai Demokrat. The situation is sparking partisan bickering, and whipping up tensions among the Executive, Legislative and Judicial Branches. The controversy needs to be settled by October 1 when the new Parliament will be sworn in. END SUMMARY.

#### COURT RULING SPARKS CONTROVERSY IN ARCAINE AREA

12. (SBU) Confusion reigns as Indonesia tries to decide who will enter the new Parliament. (Note: Indonesia held its parliamentary elections in April; the new Parliament is due to be seated on October 1.) A Supreme Court ruling last week came as a surprise to many observers. The ruling would shift the balance of party power in the new Parliament (DPR), moving 66 seats--roughly 10 percent of the total--previously allocated to smaller parties to bigger parties. President Yudhoyono's Partai Demokrat (PD) would net a windfall of 30 DPR seats, bumping up its total from 150 to 180 (under any coQting method, PD will end up the largest party given its performance in April). The Election Commission (KPU) has said it is reviewing the ruling. In the meantime, there have been other court decisions which conflict with the Supreme Court's ruling (see below).

#### THREE CONFUSING METHODS OF SEAT ALLOCATION

13. (SBU) The arcane process has actual impact in terms of seat allocation and thus in terms of relative influence in the next Parliament. Last week's Supreme Court decision reverted back to the allocation process in the original "Law on Legislative Elections" which a 2008 Constitutional Court decision had annulled. The Supreme Court ruling also obviated the KPU's own seat allocation interpretation. Below is a chart showing the stark differences in seat allocation for each of three interpretations:

Party	Per KPU regulation	Per CC ruling	Per SC ruling
Hanura	18	16	6
Gerindra	26	26	10
PKS	57	57	50
PAN	43	46	28
PKB	27	28	29
Golkar	107	106	125
PPP	37	37	21

PDI-P	95	95	111
PD	150	149	180

#### SMALLER PARTIES UP IN ARMS

14. (SBU) Smaller parties--which stand to lose seats--are crying foul. Four of the six parties disadvantaged by the ruling of the Supreme Court have announced their intent to file an appeal with the Constitutional Court (which is a co-equal branch of the judicial system along with the Supreme Court, though one with a separate mandate). Three Islamic-oriented parties--the Prosperous Justice Party (PKS), the National Mandate Party (PAN), and the United Development Party (PPP)--joined forces with the People's Conscience Party (Hanura) to protest the ruling at the KPU's headquarters in Jakarta on July 29.

15. (C) The Gerindra Party has also criticized the decision, but has not yet decided on a response. A Gerindra legislator present at a USG-funded training program on July 24 was suddenly called to her headquarters to discuss party strategy over the matter. She showed poloff a chart from Hanura headquarters reflecting the changes and asked, worried, "Could we be cut out of the DPR entirely?"

16. (U) Not surprisingly, the PD party--which stands to gain--supports the ruling. The opposition Indonesian Party of Democratic Struggle (PDIP). which would gain 16 seats, is the only other party to publicly support the Supreme Court's ruling.

#### POSTPONING A FINAL DECISION FOR NOW

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17. (C) Amid the partisan bickering, a befuddled KPU has promised to study the court decisions and abide by whatever is required by law. Meanwhile, the Judicial Commission--which oversees Indonesia's justice system--is reviewing the seemingly contradictory court rulings. The tussle leaves over ten percent of future DPR members unsure of whether they have seats. Indonesia's Parliament is already justifiably criticized for lacking legislative capacity and the current controversy is not helping that reputation. In addition, the ongoing confusion over seat allocation is delaying preparations for the opening of Parliament on October 1.

HUME